

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4258

IN THE MATTER OF:

Served March 21, 1994

Investigation of Failure to Pay)
Annual Fee and Order to Show Cause)
Why Operating Authority Should Not)
be Suspended or Revoked, Directed)
to:)

LEO LAGANA (No. 105)) Case No. MP-94-06

PERKINS AMBULANCE AND WHEELCHAIR) Case No. MP-94-07
SERVICE, INC. (No. 126))

Pursuant to the Compact, Title I, Article IV, Section 4(a), Commission Regulation No. 67, and Order No. 3601, served January 17, 1991, each carrier must pay an annual fee of \$100. The Commission mailed a bill to each carrier dated January 1, 1994, requiring payment on or before January 31, 1994. A second notice was mailed on February 15, 1994, to each carrier which had failed to pay its annual fee by that date. As of the date of this order, none of the carriers named herein has remitted its annual fee or requested an extension of time to pay.

Under Title II of the Compact, Article XIII, Section 1(c), the Commission may initiate an investigation to determine whether a person has violated a provision of the Compact or a regulation or order. Section 1(d) of Article XIII provides that if, after hearing, the Commission finds a respondent has violated a provision of the Compact or any requirement established under it, the Commission shall issue an order to compel the respondent to comply with the Compact and effect other just and reasonable relief.

According to Article XIII, Section 6(f), a person who knowingly and willfully violates a provision of the Compact, or regulation or order issued thereunder, shall be subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for any subsequent violation; each day of the violation constitutes a separate violation. Article XI, Section 10(c), provides that the Commission, after notice and hearing, may suspend or revoke a certificate of authority for willful failure to comply with a provision of the Compact or an order or regulation of the Commission.

Pursuant to Article XIV, Section (1)(a), a carrier shall bear all expenses of an investigation conducted by the Commission concerning the carrier. Section (1)(b) of Article XIV provides that the Commission may require the carrier to pay to the Commission a sum estimated to cover the expenses of the investigation.

THEREFORE, IT IS ORDERED:

1. That the Commission hereby initiates an investigation into the failure of each of the carriers named herein to timely pay its annual fee.

2. That each of the carriers named herein is hereby made a party to the proceeding in which it is named.

3. That these proceedings are hereby consolidated for hearing commencing Wednesday, April 27, 1994, at 10:00 a.m., in the hearing room of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104.

4. That each of the carriers named herein is hereby directed to appear at the aforementioned hearing to show cause why it should not be assessed a civil forfeiture, and why its certificate of authority should not be suspended and/or revoked, for knowing and willful failure to pay its annual fee.

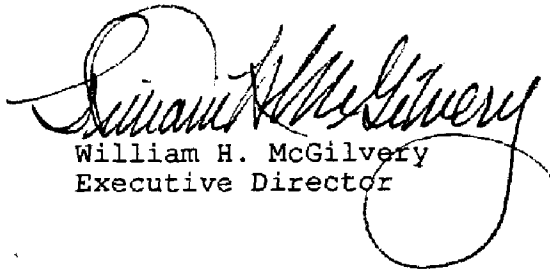
5. That each of the carriers named herein is hereby directed to remit to the Commission in cash, or by cashier's check, certified check or money order, estimated hearing expenses of \$200 on or before Friday, April 22, 1994.

6. That in lieu of appearing at the hearing and remitting estimated hearing expenses, each of the carriers named herein may admit to knowing and willful failure to pay the annual fee by paying to the Commission in cash, or by cashier's check, certified check or money order, the \$100 annual fee and a \$50 civil forfeiture, \$150 in total, on or before Friday, April 22, 1994, whereupon the investigation of that carrier will be terminated.

7. That the certificate of authority of each of the carriers named herein which fails to timely remit estimated hearing expenses, or pay the annual fee and civil forfeiture, shall stand automatically suspended effective 12:01 a.m., Saturday, April 23, 1994.

8. That each carrier whose certificate is suspended under the preceding paragraph shall have thirty (30) days thereafter to show cause why its certificate of authority should not be revoked for failure to comply with the requirements of this order.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS DAVENPORT, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director